

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Attorney Docket № 14310US02)

In the Application of:

Jeyhan Karaoguz, et al.

Serial № 10/675,448

Filed: September 30, 2003

For: MEDIA EXCHANGE NETWORK
SUPPORTING LOCAL AND
REMOTE PERSONALIZED
MEDIA OVERLAY

Examiner: Kunal N. Langhnoja

Group Art Unit: 2427

Confirmation № 5601

Electronically filed on July 6, 2010

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from an Office Action dated February 17, 2010 ("Final Office Action"), in which claims 1-31 were finally rejected. The Appellant respectfully requests that the Board of Patent Appeals and Interferences ("Board") reverses the final rejection of claims 1-31 of the present application. The Appellant notes that this Appeal Brief is timely filed within the period for reply that ends on July 5, 2010, which lands on a holiday; therefore, the reply period ends on July 6, 2010.

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

Broadcom Corporation, a corporation organized under the laws of the state of California, and having a place of business at 5300 California Avenue, Irvine, California 92617, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment recorded at Reel 014244, Frame 0499 in the PTO Assignment Search room.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

The Appellant is unaware of any related appeals or interferences.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes pending claims 1-31, all of which stand rejected under 35 U.S.C. § 102(e). (See Final Office Action, p. 4.) The Appellant identifies claims 1-31 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

The Appellant has not amended any claims subsequent to the final rejection of claims 1-31 mailed on April 1, 2010. No claim amendments are currently outstanding.

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

Independent claim 1 recites the following:

A method for displaying alerts in a communication network, the method comprising:

receiving,¹ at a first geographic location,² an alert from a first device³ coupled to the communication network;

generating⁴ within a home, a message corresponding to said received alert; and

automatically routing⁵ said generated message to a location⁶ that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location.

Independent claim 11 recites the following:

A machine-readable storage⁷ having stored thereon, a computer program having at least one code section for displaying alerts in a communication network, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

¹ See, e.g., Application, p. 4, ¶ 09, lines 1-4.

² See, e.g., *id.*, Fig. 1A, ref. 1.

³ See, e.g., *id.*, Fig. 1A, ref. 10.

⁴ See, e.g., *id.*, p. 4, ¶ 09, lines 4-5.

⁵ See, e.g., *id.*, p. 14, ¶ 50, lines 1-10.

⁶ See, e.g., *id.*, Fig. 1A, ref. 2.

⁷ See, e.g., *id.*, p. 4, ¶ 11, lines 1-5.

receiving,⁸ at a first geographic location,⁹ an alert from a first device¹⁰ coupled to the communication network;

generating¹¹ within a home, a message corresponding to said received alert; and

automatically routing¹² said generated message to a location¹³ that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location.

Independent claim 21 recites the following:

A system for displaying alerts in a communication network, the system comprising:

at least one processor that receives,¹⁴ at a first geographic location,¹⁵ an alert from a first device¹⁶ coupled to the communication network;

said at least one processor generates¹⁷ within a home, a message corresponding to said received alert; and

⁸ See, e.g., *id.*, p. 4, ¶ 09, lines 1-4.

⁹ See, e.g., *id.*, Fig. 1A, ref. 1.

¹⁰ See, e.g., *id.*, Fig. 1A, ref. 10

¹¹ See, e.g., *id.*, p. 4, ¶ 09, lines 4-5.

¹² See, e.g., *id.*, p. 14, ¶ 50, lines 1-10.

¹³ See, e.g., *id.*, Fig. 1A, ref. 2.

¹⁴ See, e.g., *id.*, p. 4, ¶ 12, 1-3.

¹⁵ See, e.g., *id.*, Fig. 1A, ref. 1.

¹⁶ See, e.g., *id.*, Fig. 1A, ref. 10

¹⁷ See, e.g., *id.*, p. 4, ¶ 12, lines 3-4.

said at least one processor automatically routes¹⁸ said generated message to a location¹⁹ that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))

Claims 1-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USP 6,553,100 ("Chen").

¹⁸ See, e.g., *id.*, p. 14, ¶ 50, lines 1-10.

¹⁹ See, e.g., *id.*, Fig. 1A, ref. 2.

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

I. Chen Does Not Anticipate Claims 1-31

All of the claims are rejected as being anticipated by Chen. “[A] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (See MPEP, § 2131 (internal citation omitted).) Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” (See *id.*, (internal citation omitted).)

Without conceding that Chen qualifies as prior art under 35 U.S.C. § 102(e), the Appellant respectfully traverses this rejection as follows.

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Appellant submits that Chen does not disclose or suggest at least the limitation of “automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location,” as recited by the Appellant in independent claim 1.

The Final Office Action states the following:

The claimed “receiving, at a first geographic location, an alert from a first device coupled to the communication network” is met by Chen et al. that teach the use of an intelligent processor (100) in receiving an alert from alarm event detectors (510,520) via a network (200) at a 1st geographic location, i.e. a subscribers’ home (Abstract; Fig. 1&5; col. 1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; & col.9, lines 47-

48). The claimed "generating within a home; a message corresponding to said received alert;" is met by Chen et al. that teach the generation & transmittal by an intelligent processor (100), located on-premise. (Fig.5; col. 1, lines 61-67; Col. 2 lines 42-46, col.6, lines 40-48; col.8, lines 46-53; & col.9, lines 54-57).

The claimed "automatically routing said generated message to a location that is remote [410,420, 430] from said first geographic location (user's home), based on a prior authorization level of the first device established by a user command (i.e. user commands to update profile within processor 100 using input device 190 in order to route alerts to off-premises device 410,420,430), wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location (i.e. user updating profile will route the alert to off-premises device instead of on-premise devices)." (Figures 1 and 2; co. 4, lines 51-67, Col. 5 lines 1-24 and Col. 7 lines 45-51).

(See Final Office Action, p. 4-5.) Chen discloses an intelligent alerting system that receives a notification and alerts end-users via one or more devices (on-premises or off-premises devices, based on the user location). Chen's system also includes a processor (100 in FIG. 1) that determines whether any of these devices are active for purposes of communicating the alert. (See Chen, 1:17-29.) Referring to FIGs. 2-3 of Chen, the Appellant notes that the processor 100 uses an alert destination determination device 170, which determines whether or not to transmit the alert to an on-premise or off-premise device. The alert destination determination device 170 may use **profiles that indicate where the user can be reached by a given device.** (See *id.*, 7:57-65.)

More specifically, Chen discloses that the alert destination determination device 170 uses profile database 174 to store one or more user profiles that indicate where and when the end-user may be reached by a given device. (See *id.*, 7:61-8:6.) In this regard, **the profile database 174 is set up based on the specific location of the**

user at any given time (where and when the user can be reached). Chen does not, however, disclose any routing of a generated message (notification) based on a prior authorization level of the first device established by a user command. In fact, Chen does not disclose any establishing of authorization levels for a given device, or that the notification routing is in any way influenced or based on any user commands. The Appellant also notes that Chen's user profile simply stores pre-determined user locations and it has nothing to do with setting up authorization levels of a specific, e.g., first, device established by a user command.

The Final Office Action also states the following:

With respect to claim 1, Applicant argues cited reference fails to teach claimed limitation "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location." The examiner respectfully disagrees.

Chen et al teaches user is able to directly enter commands using input device 190 into processor 100, commands may include updating a profile (Col. 7 lines 45-51). The intelligent processor 100 uses the updated profile information and routes the media prior to transmitting an alert to the on-premises device (Col. 4 lines 57-59). Furthermore, user's configured profile enables him/her to receive alerts at off-premises devices 410, 420 and/or 430 (Col. 4 line 57-Col. 5 line 25). Wherein, user updating profile located at intelligent processor 100 and routing alerts to an off-premises devices [410, 420, 430] before transmitting them to on-premises devices reads on claimed "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command and prior to communicating said generated message to any device within said first geographic location."

(See Final Office Action, p. 2-3.) Even though Chen, at col. 7, lines 45-51, teaches that a user is able to directly enter commands using input device 190 into processor 100, the Appellant fails to see the relevance of this disclosure in relation to the above-cited limitation from Appellant's claim 1. In particular, col. 7, lines 45-51, simply discloses that the user may enter commands into processor 190 to update the profiles stored in the profile database 174. The fact remains, however, that neither the input device 190 nor any other device of Chen is used for purposes of establishing an authorization level of the device from which the alert is received. There is simply no such disclosure in the passages cited by the Examiner or anywhere else in Chen. Chen, at col. 4, line 57-col. 5, line 25, simply describes the off-premise devices 410-430 that can be used to alert a user. Chen does not automatically route a generated message to any of the off-premises devices 410-430, based on a prior authorization level of the device from which the alert is received. Even though Chen discloses that consultation of the profile may be performed "before or instead of transmitting an alert to the on-premises devices," the fact remains that Chen's "profile" simply lists off-premises devices at which the user can be located. Also, Chen's "profile" used with regard to device 170 simply stores predetermined user locations and it has nothing to do with authorization levels established by a user command. In this regard, Chen's "profile" is not established based on user authorization level, and Chen does not route any messages to a remote device based on authorization level previously established by a user command. In fact, Chen does not even disclose a user command that is used to establish authorization level of a remote device, or that the notification routing is in any way influenced or based on any user commands.

Therefore, the Appellant maintains that Chen does not disclose or suggest at least the limitation of "automatically routing said generated message to a location that is remote from said first geographic location, **based on a prior authorization level of the first device established by a user command**, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location," as recited by the Appellant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Chen and is allowable. Independent claims 11 and 21 are similar in relevant respects to the method disclosed in independent claim 1. Therefore, the Appellant submits that independent claims 11 and 21 are also allowable over Chen at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2, 12 and 22

Claim 2 depends on independent claim 1. Therefore, the Appellant submits that claim 2 is allowable over Chen at least for the reasons stated above with regard to claim 1.

Claims 12 and 22 are similar in relevant respects to the method disclosed in claim 2. Therefore, the Appellant submits that claims 12 and 22 are also allowable over Chen at least for the reasons stated above with regard to claim 2.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2, 12 and 22.

C. Rejection of Dependent Claims 3, 13 and 23

Claim 3 depends on independent claim 1. Therefore, the Appellant submits that claim 3 is allowable over Chen at least for the reasons stated above with regard to claim 1.

Claims 13 and 23 are similar in relevant respects to the method disclosed in claim 3. Therefore, the Appellant submits that claims 13 and 23 are also allowable over Chen at least for the reasons stated above with regard to claim 3.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 3, 13 and 23.

D. Rejection of Dependent Claims 4, 14 and 24

Claim 4 depends on independent claim 1. Therefore, the Appellant submits that claim 4 is allowable over Chen at least for the reasons stated above with regard to claim 1.

Claims 14 and 24 are similar in relevant respects to the method disclosed in claim 4. Therefore, the Appellant submits that claims 14 and 24 are also allowable over Chen at least for the reasons stated above with regard to claim 4.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 4, 14 and 24.

E. Rejection of Dependent Claims 5, 15 and 25

Claim 5 depends on independent claim 1. Therefore, the Appellant submits that claim 5 is allowable over Chen at least for the reasons stated above with regard to claim 1.

Claims 15 and 25 are similar in relevant respects to the method disclosed in claim 5. Therefore, the Appellant submits that claims 15 and 25 are also allowable over Chen at least for the reasons stated above with regard to claim 5.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 5, 15 and 25.

F. Rejection of Dependent Claims 6, 16 and 26

Claim 6 depends on independent claim 1. Therefore, the Appellant submits that claim 6 is allowable over Chen at least for the reasons stated above with regard to claim 1. The Appellant also submits that Chen does not disclose or suggest at least the limitation of "said alert indicates a status of at least said first device and a second device." as recited by the Appellant in claim 6.

Claims 16 and 26 are similar in relevant respects to the method disclosed in claim 6. Therefore, the Appellant submits that claims 16 and 26 are also allowable over Chen at least for the reasons stated above with regard to claim 6.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 6, 16 and 26.

G. Rejection of Dependent Claims 7, 17 and 27

Claim 7 depends on independent claim 1. Therefore, the Appellant submits that claim 7 is allowable over Chen at least for the reasons stated above with regard to claim 1.

Claims 17 and 27 are similar in relevant respects to the method disclosed in claim 2. Therefore, the Appellant submits that claims 17 and 27 are also allowable over Chen at least for the reasons stated above with regard to claim 7.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 7, 17 and 27.

H. Rejection of Dependent Claims 8, 18 and 28

Claim 8 depends on independent claim 1. Therefore, the Appellant submits that claim 8 is allowable over Chen at least for the reasons stated above with regard to claim 1.

Claims 18 and 28 are similar in relevant respects to the method disclosed in claim 8. Therefore, the Appellant submits that claims 18 and 28 are also allowable over Chen at least for the reasons stated above with regard to claim 8.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 8, 18 and 28.

I. Rejection of Dependent Claims 9, 19 and 29

Claim 9 depends on independent claim 1. Therefore, the Appellant submits that claim 9 is allowable over Chen at least for the reasons stated above with regard to claim 1.

The Appellant also submits that Chen does not disclose or suggest at least the limitation of "displaying said generated message for a predetermined period of time," as recited by the Appellant in claim 9. With regard to claim 9, the Final Office Action states the following:

With respect to Claim 9, the claimed "comprising displaying said generated message for a predetermined period of time" is met by Chen et al. that teach the displaying of an alert message until the time an alert acknowledgement is received by the user, either by a simple pressing of a button on a remote control or by the entering of a Personal Identification Number (PIN). (col. 4, lines 7-16; col. 9, lines 21-34, 58-67).

(Final Office Action, pp. 6-7.) As acknowledged by the Office Action, the cited passages of Chen merely disclose displaying of an alert message until the alert is acknowledged by the user, e.g., by either pressing of a button on a remote control or by the entering of a Personal Identification Number (PIN). However, neither the cited passages nor any other sections of Chen disclose or suggest "displaying said generated message **for a predetermined period of time**," as recited by the Appellant in claim 9. Displaying an alert message until it is acknowledged is not the same as displaying the message for a predetermined period of time. Specifically, the Chen's display period will vary from alert to alert in accordance with the time it takes for the user to acknowledge a given message. Accordingly, claim 9 is patentable for at least the above reasons.

Claims 19 and 29 are similar in relevant respects to the method disclosed in claim 9. Therefore, the Appellant submits that claims 19 and 29 are also allowable over Chen at least for the reasons stated above with regard to claim 9.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 9, 19 and 29.

J. Rejection of Dependent Claims 10, 20 and 30

Claim 10 depends on independent claim 1. Therefore, the Appellant submits that claim 10 is allowable over Chen at least for the reasons stated above with regard to claim 1.

Claims 20 and 30 are similar in relevant respects to the method disclosed in claim 10. Therefore, the Appellant submits that claims 20 and 30 are also allowable over Chen at least for the reasons stated above with regard to claim 10.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 10, 20 and 30.

K. Rejection of Dependent Claim 31

Claim 31 depends on independent claim 21. Therefore, the Appellant submits that claim 31 is allowable over Chen at least for the reasons stated above with regard to claim 1.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claim 31.

CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-31 are in condition for allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge \$540 (to cover the Brief on Appeal Fee) and any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: July 6, 2010

By: /Kirk A. Vander Leest/
Kirk A. Vander Leest
Reg. No. 34,036
Attorney for Appellant

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

(OIB/KVL)

CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1. A method for displaying alerts in a communication network, the method comprising:

receiving, at a first geographic location, an alert from a first device coupled to the communication network;

generating within a home, a message corresponding to said received alert; and automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location.

2. The method according to claim 1, comprising displaying said generated message along with a media broadcast on said television screen within said home.

3. The method according to claim 1, comprising receiving an acknowledgment of said displayed message via a user selection.

4. The method according to claim 3, comprising receiving said acknowledgement via a remote control that controls functions for said television screen.

5. The method according to claim 3, comprising terminating display of said generated message upon said receiving of said acknowledgement.

6. The method according to claim 1, wherein said alert indicates a status of at least said first device and a second device.

7. The method according to claim 6, wherein said first device is located outside said home and said second device is located within said home.

8. The method according to claim 1, comprising receiving said alert via at least one of a wired and a wireless connection.

9. The method according to claim 1, comprising displaying said generated message for a predetermined period of time.

10. The method according to claim 1, comprising displaying said generated message in one or more of a pop-up window, a picture-in-picture (PIP) window and/or a banner on said television screen.

11. A machine-readable storage having stored thereon, a computer program having at least one code section for displaying alerts in a communication network, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

receiving, at a first geographic location, an alert from a first device coupled to the communication network;

generating within a home, a message corresponding to said received alert; and automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location.

12. The machine-readable storage according to claim 11, comprising code that causes said generated message to be displayed along with a media broadcast on said television screen within said home.

13. The machine-readable storage according to claim 11, comprising code for receiving an acknowledgement of said displayed message via a user selection.

14. The machine-readable storage according to claim 13, comprising code for receiving said acknowledgement via a remote control that controls functions for said television screen.

15. The machine-readable storage according to claim 13, comprising code for terminating display of said generated message upon said receiving of said acknowledgement.

16. The machine-readable storage according to claim 11, wherein said alert indicates a status of at least said first device and a second device.

17. The machine-readable storage according to claim 16, wherein said first device is located outside said home and said second device is located within said home.

18. The machine-readable storage according to claim 11, comprising code for receiving said alert via at least one of a wired and a wireless connection.

19. The machine-readable storage according to claim 11, comprising displaying said generated message for a predetermined period of time.

20. The machine-readable storage according to claim 11, comprising code that causes said generated message to be displayed in one or more of a pop-up window, a picture-in-picture (PIP) window and/or a banner on said television screen.

21. A system for displaying alerts in a communication network, the system comprising:

at least one processor that receives, at a first geographic location, an alert from a first device coupled to the communication network;

said at least one processor generates within a home, a message corresponding to said received alert; and

said at least one processor automatically routes said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location.

22. The system according to claim 21, where said at least one processor causes said generated message to be displayed along with a media broadcast on said television screen within said home.

23. The system according to claim 21, where said at least one processor receives an acknowledgement of said displayed message via a user selection.

24. The system according to claim 23, where said at least one processor receives said acknowledgement via a remote control that controls functions for said television screen.

25. The system according to claim 23, where said at least one processor terminates display of said generated message upon said receiving of said acknowledgement.

26. The system according to claim 21, wherein said alert indicates a status of at least said first device and a second device.

27. The system according to claim 26, wherein said first device is located outside said home and said second device is located within said home.

28. The system according to claim 21, where said at least one processor receives said alert via at least one of a wired and a wireless connection.

29. The system according to claim 21, wherein said at least one processor causes said generated message to be displayed for a predetermined period of time.

30. The system according to claim 21, where said at least one processor causes said generated message to be displayed in one or more of a pop-up window, a picture-in-picture (PIP) window and/or a banner on said television screen.

31. The system according to claim 21, wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

(1) United States Patent No. 6,553,100 ("Chen"), entered into record by the Examiner in the January 9, 2008 Office Action.

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

The Appellant is unaware of any related appeals or interferences.